

WALPOLE PLANNING BOARD MINUTES OF JUNE 19, 2014

A regular meeting of the Walpole Planning Board was held on Thursday, June 9, 2014 at 7:00 p.m. in the Main Meeting Room at Town Hall. The following members were present: Richard Nottebart, Chairman; Edward Forsberg, Vice Chairman (7:09 p.m.); John Murtagh, Clerk; John Conroy (9:30 p.m.); Richard Mazzocca, and Margaret Walker, Town Engineer.

Mr. Nottebart opened the meeting at 7:07 p.m.

Minutes: Mr. Nottebart moved to accept the minutes of June 5, 2014. Motion seconded by Mr. Murtagh and voted 3-0-0.

John Marini, 1429 Main Street: Mr. Nottebart moved to accept an extension of time up to and including September 8, 2014 requested by Mr. Marini, Kam Construction Corp. Motion seconded by Mr. Mazzocca and voted 3-0-0.

Mr. Forsberg arrived at 7:09 p.m.

ANR - Keaney Estates: Dan Merrikin presented an ANR plan for Chieftain Way. Mr. Nottebart moved to endorse an ANR plan finding Form A in order and subdivision control not required. The applicant is Back Nine Realty, LLC, 505 South Street, Walpole, MA. The owner's title to the land is derived under deed from CMK, Inc. dated December 18, 2013 and recorded in Norfolk County Registry of Deeds, Book 31981, Page 97. Motion seconded by Mr. Mazzocca and voted 4-0-0.

The Plan is entitled "Keaney Estates ANR Plan of Land in Walpole, MA" latest revision is June 11, 2014 and drawn by Colonial Engineering, P. O. Box 95, Medway, MA. Said property is shown as Map 36, Parcels 72 and 72-1, Zoning District Residence A.

No determination as to compliance with all zoning requirements has been made by the Walpole Planning Board.

ANR – Joseph and Charlotte Brooks, 1915 Washington Street: Mr. Nottebart moved to endorse an ANR plan finding Form A in order and subdivision control not required. The applicant is Joseph and Charlotte Brooks, 1915 Washington Street, Walpole, MA and represented by Pasquale Straccia, 12 Ganawatte Drive, Walpole, MA. The owner's title to the land is derived under deed from James Lindsay and Charlotte Brooks dated April 24, 1953 and February 9, 1976 and recorded in Norfolk County Registry of Deeds, Book 3165 and 5199, Pages 23 and 46 and shown as Map 56, Parcels 18 and 19, Zoning District Residence B. Motion seconded by Mr. Murtagh and voted 4-0-0.

The Plan is entitled "Plan of Land Property of Joseph and Charlotte Brooks, 1915 Washington Street" dated June 5, 2014 by Trowbridge Associates, Inc., 200 Chauncy Street, Mansfield, MA.

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No determination as to compliance with all zoning requirements has been made by the Walpole Planning Board.

Hunter Lane: Mr. Nottebart moved to set the bond at \$145,000.00 as per recommendation of Margaret Walker, Town Engineer. Motion seconded by Mr. Murtagh and voted 4-0-0.

Commerford's Corner: Mr. Nottebart read a letter from Peter Commerford dated June 16, 2014 asking that the Planning Board re-assess the relocation of the NSTAR poles as per the Certificate of Approval. Ms. Walker stated the poles don't need to be moved now because the road changed. Mr. Commerford has gone to NSTAR to have them moved and they said no. Further, the Selectmen will not get involved in this issue. Mr. Nottebart questioned if the poles create an unsafe condition. Mr. Mazzocca stated previously there was an issue as to who should move the poles. NSTAR said they would move them if the applicant paid to do so. Mr. Forsberg stated it was part of the original decision which stated that Mr. Commerford had to move them. Mr. Murtagh feels this is more than a field change and feels these poles are not dangerous since they widened the road. Ms. Walker stated they are still in the same location. Mr. Mazzocca stated he would like something in writing and also some history stating the purpose of us requiring the poles to be moved originally was because of sight distance. Mr. Nottebart asked this be put on the next agenda as we need to do some homework on it. Mr. Mazzocca feels it is up to Peter Commerford to do the homework on this, not us. Mr. Forsberg stated the poles don't have anything to do with Kevin's Way, it was the narrow street in that area. Mr. Mazzocca stated Mr. Commerford is asking us to do something, but we need him to come in before the board. Mr. Nottebart stated we could write him a letter asking him to come in and discuss this. Ms. Walker thinks he needs to formally ask the board to make this change. Atty. Phil Macchi stated there shouldn't be an issue as long as there is nothing to cause a conveyance. Ms. Walker stated nothing was filed as the poles are shown on the utility sheet. Ms. Walker stated he is also requesting a bond reduction tonight. The poles are still part of the bond. Mr. Nottebart moved to reduce the bond on Commerford's Corner by \$13,000 per recommendation of Margaret Walker. Motion seconded by Mr. Murtagh and voted 4-0-0. Ms. Walker stated her recommendation includes pricing increases.

Bird Estates: Mr. Macchi stated he is meeting with Ms. Walker on Monday. He asked the board to vote to hold a residents' hearing so they can proceed with street acceptance. Mr. Nottebart asked if this is okay with the Selectmen and Ms. Walker stated yes. Mr. Nottebart made a motion to move forward with the street acceptance process and to schedule a residents' hearing. Motion seconded by Mr. Murtagh and voted 4-0-0.

Mr. Nottebart moved to hold a residents' hearing on July 10, 2014 at 7:25 p.m. Motion seconded by Mr. Murtagh and voted 4-0-0.

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Mass Development: Mr. Nottebart read a letter from Mass Development dated June 9, 2014 which was received on June 17, 2014. Mr. Nottebart moved to forward this letter to the town administrator, selectmen, Stephanie Mercandetti, Zoning Board and Jack Mee. Motion seconded by Mr. Murtagh and voted 4-0-0. Mr. Forsberg noted that the meeting was already held on June 12, 2014 which was before we even received the letter so to forward this would be after the fact.

7:40 p.m. John Nassar, 1449 Main Street, Case No. 14-3 Continued Hearing: Mr. Nottebart moved to open the public hearing. Motion seconded by Mr. Murtagh and voted 4-0-0. Ms. Walker stated she met with Mr. Nassar the day after our last meeting and they reviewed some minor issues; therefore, she is all set with this application. Mr. Forsberg asked Mr. Nassar if he talked to the Building Inspector about the handicap spaces and Mr. Nassar stated yes and he is all set. Mr. Forsberg questioned customer parking and Mr. Nassar agreed to put up signs. Mr. Forsberg asked where the entrance to the office is and Mr. Nassar stated it is by the front door. He feels this is a small space and should be better marked. Mr. Nottebart asked if Mr. Nassar thinks it will work the way it is and he stated yes. He would like to keep the right side of the property for sales and storage. Mr. Forsberg asked how many spaces are to be used for the sale of cars and Mr. Nassar stated sixteen spaces. Mr. Nottebart doesn't feel that is an issue. Mr. Murtagh stated the Board of Selectmen will determine how many spaces you will be allowed. He asked how many cars are sold each day and Mr. Nassar stated not much. Mr. Nottebart stated that Mr. Nassar did do what we asked him to do at the last meeting and we appreciate that. Mr. Forsberg stated he would like the parking lot striped and a small customer parking sign.

There were no comments from the public. Mr. Nottebart moved to close the public hearing. Motion seconded by Mr. Murtagh and voted 4-0-0. Mr. Nottebart moved to approve the site plan for Case No. 14-3 with the board's standard conditions and one special condition. Motion seconded by Mr. Murtagh and voted 4-0-0.

7:50 p.m. Evria & Evelina Gourdoukis, 263 High Plain Street, Case No. 14-7 re: application for Finding: Mr. Nottebart read the public hearing notice. The applicant was represented by Atty. Philip Macchi, 1256 Washington Street, Norwood, MA. He asked that the board not move forward until the fifth member, Jack Conroy, arrives. Mr. Nottebart moved to open the hearing without testimony until later tonight as requested by the applicant's attorney. Motion seconded by Mr. Murtagh and voted 4-0-0.

7:50 p.m. Walmart, Case No. 14-6: Mr. Nottebart moved to continue this hearing without testimony until August 14, 2014 at 7:30 p.m. as per request of Atty. Philip Macchi, 1256 Washington Street, Norwood, MA.

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7:55 p.m. Leigh Ann Luetzen, 119 Pleasant Street, Case No. 14-8: Mr. Nottebart stated that based on the sensitivity of this case and to be totally transparent, he is asking that the board sign a Conflict of Interest form. Mr. Macchi stated the ZBA was not going to grant the special permit as they needed Site Plan Approval first. This is different from what is typical. They did withdraw from the ZBA first. Mr. Nottebart stated the ZBA chairperson was confused as to why they were coming here first. There have been mixed signals on this since day one. Mr. Macchi stated this is a hodge podge. Mr. Nottebart stated our board member did not tell us what was happening. He doesn't want anyone to think there is some hanky-panky going on. We want to be totally above board. The applicant also needs a special permit from the ZBA. We have never filled out the conflict forms before. Mr. Macchi stated this board is only allowing the physical changes, not that it is a three family. Mr. Macchi stated he got involved with this when this was withdrawn from the ZBA. His client is Leigh Ann Leutzen, Trustee of LA Trust and it is a legal trust. Jack Conroy is not the owner of the property. There is a trust that is the owner. The original plans were filed with the ZBA under a trust that was never recorded, so that application was a nullity. A trust was created by his office. The applicant basically is proposing to convert this house. There are three levels to this house. There will be internal renovations to this house. Each unit has a kitchen, bedroom and living room. The internal improvements will reflect some modifications and changing of walls. There are no real changes to the exterior except painting, updated windows and siding. The driveway will be paved. He must provide two parking spaces for each unit, so six spaces have to be identified on the lot. There is a vegetated buffer between this property and Mrs. McMullen's property and it will remain. Mr. Macchi asked if the board looked at the book he submitted. He also presented pictures tonight.

There were two abutters present: Paul McAndrew, 114 Pleasant Street and Alicen Schwartz, 129 Pleasant Street.

Mr. Forsberg stated he did some work in this house prior to its sale in the beginning of last December. There has been no billing from him to this owner. He dealt with Mr. Cappachin and only winterized the house and he was paid by the realtor.

Mr. Macchi stated the physical improvements will be made. The driveway will remain where it presently is, but it will be asphalt. The greenery that is around the area will be cleaned up. This is zoned General Residence and the book he submitted lists this all 74 abutters. He stated that 42 out of 74 are multi-family houses. He is here tonight because of Section 5-B-3-C of the zoning bylaw. The application was filed with the Planning Board under a proper trust. The only thing we are dealing with tonight is the structure, not the use. The Planning Board is not empowered to address the use. The question is does this meet the criteria of a site plan approval for the structure. If they researched beyond 300', there would be more multi-family houses. They are not changing the character of the structure. It is being embellished with new windows and siding. The proposed changes are only inside the house. Mr. Macchi stated they have kept the character of the area and the exterior doesn't change.

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There is more than ample sight distance. This was a 6-bedroom home and could have accommodated six bedrooms. These are not big units. He feels the board has to address this according to Section 13 of the ZBL. Mr. Macchi handed out a conversion overview to be included in the record. The applicant has met the criteria 100% and also the construction notes and schedule.

Mr. Nottebart read the board comments that were received. He stated he didn't know there was a white notebook submitted by Mr. Macchi, but what was sent to the board included almost the same as everything in the notebook.

Ms. Walker addressed her comments.

Mr. Mazzocca stated his issue with the lot being grandfathered is obvious. He sees a single-family residence with a driveway. There will be a 6-car parking lot regardless of the use. Mr. Macchi stated there were cars parked everywhere before. Mr. Mazzocca stated there is a change in use. If this pre-dates building code, you would lose the grandfathering status. Mr. Macchi stated the driveway is not a structure. Mr. Mazzocca stated what was a driveway will be their parking now. He is not comfortable with this until he knows what the law is regarding this type of change, including a significant change in the use and the site. He wants some case law to let him know this has been addressed by statute.

Mr. Forsberg stated this is non-conforming now and that you are making it more non-conforming by changing it to a three family. Mr. Macchi disagreed because they are not changing the lot. Mr. Forsberg stated we don't have a locus map and asked if this area is all GR. If not, a buffer would be required. Mr. Macchi stated no buffer is required. We are not changing the lot or the building. If he was adding a building to the structure he would agree. He has more than the required lot dimensions everywhere including rear and front. Mr. Forsberg questioned if there will be a dumpster and Mr. Macchi stated no because the town would pick up trash for a three-family residence. Mr. Nottebart asked Ms. Walker if that is correct and Ms. Walker stated that would be a Board of Health question. Mr. Nottebart stated we will check with the Board of Health. Mr. Forsberg questioned if there are lighting issues and Mr. Macchi stated no. Mr. Forsberg stated he is uncomfortable to begin with because this involves another board member. We are trying to cover all our bases. If we miss something and it is overlooked, it could be a bad scene. He would like someone from outside to look at this even if it is at the town's expense. He feels he is in an uncomfortable position.

Mr. Macchi stated this is a conundrum, but it deserves a vote. He asks that the consultant be directed to talk to him directly about Mr. Mazzocca's issues. He would like the ability to interface with the consultant. Mr. Forsberg stated that once we get our notes back we could discuss them with him. Mr. Murtagh stated we are in a difficult situation with a fine Planning Board member. He shares his two colleagues' concerns. This is a single family home and we would be changing the use.

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Mr. Macchi stated you are not changing the use. You are converting to a three family, not changing. Mr. Murtagh stated he would like to hear from the abutters. Mr. Macchi stated he is only here to talk to the structure. Anything else is not under the purview of the Planning Board. The use is under the ZBA. He asked if there is an issue with what it looks like as that is what is before the board. Mr. Nottebart stated that public safety is under our purview and Mr. Macchi stated that is correct. Mr. Nottebart stated he went over to the area, but couldn't find the house. His concern is that the people who are tenants won't like the access in. There is a lot of density and there are more single family homes, not multi that about this. Mr. Macchi stated there are many houses that are multi-family. Mr. Nottebart stated that Marigold is a street, but if you don't see the entrance to the long driveway, you don't know this house is there. Mr. Macchi stated they could add signage. Mr. Nottebart stated the neighbors could have a problem with tenants. Mr. Macchi referred to the Police Department and they had no comment. Mr. Nottebart stated our purview is to look at safety beyond them. We could make the applicant pay or pay ourselves for a review. Mr. Macchi stated you are only dealing with going from a one family to a three family. Mr. Nottebart stated we don't have an official planner on staff. Mr. Macchi stated if truly there is a consultant hired, as in the past, the applicant should be allowed to have input. The Board could give him three names and he could pick one. They have the right to do this. There could be a conflict if it's not done that way. Mr. Mazzocca stated the consultant would be standing in for a full time planner. Mr. Nottebart stated it would be to review this application. Mr. Macchi stated he has no problem with that, but he does foresee issues with the use down the road.

Mr. Nottebart asked for comments from the public.

Alicen Hand Schwartz, 129 Pleasant Street stated she is surprised there are not more people here tonight. Mr. Nottebart asked when she got her notice and she stated two to three weeks ago. Her concern is the driveway and parking. She fears they will be backing out the long driveway into her driveway. She would like to be guaranteed that won't happen. Mr. Macchi stated she could put up a fence. Ms. Schwartz stated she uses a portion of the long driveway, so she doesn't want to do that. Mr. Macchi stated she is using the applicant's driveway. Ms. Schwartz stated it needs to remain open. She has always used this driveway. Mr. Macchi stated this can be worked out. She also questioned snow removal. Mr. Macchi stated that is shown on the plan and there will be no problem.

Paul McAndrew, 114 Pleasant Street stated he lives directly across the street. He has a concern with public safety. Burns Avenue is directly across the street and there is an elementary school bus stop there and currently there are 12-13 students that wait there, which could cause a safety issue. He brought this up at the Zoning Board meeting. He feels this plan is misleading. Mr. Macchi stated the figures he used for multi-family houses were within a 300' radius. Mr. McAndrew asked if that is the way East Walpole is headed. Is that what we want? Mr. Macchi stated he is just stating facts. Mr. Nottebart stated this site plan is to look at public safety.

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Mr. Macchi respectfully agreed, but not the use. Mr. Nottebart stated the special permit will allow the use. Mr. Macchi stated if site plan approval is granted, they will then go to the Zoning Board. Mr. McAndrew questioned the buffer zone. He thinks there needs to be something like a 100' buffer from the lot line to a neighboring structure. Mr. Forsberg stated that is incorrect. As this is all general residence, it would not be required. Mr. McAndrew stated the property in question is surrounded by 9-10 homes that have been near this single family house, but now there will be three more neighbors. There is a question of privacy. Mr. Macchi objects to his testimony alluding to the use. Mr. Nottebart disagrees with that as we didn't get into that. We have a responsibility to the neighbors and we want to do the right thing. We need to have our planner address buffer and safety. There is a lot to digest here. Mr. Macchi asked for a list of three names and Mr. Nottebart stated the board needs to discuss that. Mr. Forsberg stated a consultant could be our planner and we would pick him. Mr. Nottebart stated it is just terminology. If we go with a peer review consultant, we would include you.

There were no further comments. Mr. Macchi granted the board an extension of time on which to take action up to and including September 8, 2014. Mr. Nottebart moved to accept an extension of time up to and including September 8, 2014. Motion seconded by Mr. Forsberg and voted 4-0-0. Mr. Nottebart continued the hearing to August 14, 2014 at 8:00 p.m.

Mr. Conroy arrived at 9:30 p.m.

9:32 p.m. Evria and Evelina Gourdoukis, 263 High Plain Street, Case No. 14-7 – Continued hearing from earlier tonight: Mr. Nottebart reopened the hearing from earlier tonight as Mr. Macchi had requested to wait for a five-person board. Mr. Macchi stated the request for tonight's hearing is made under Section 2-5-A. They were previously denied a variance and will have to wait two years before refile, but instead they have opted to file with the Planning Board for the board to make a finding as to whether or not the plan is different. The board just needs to recognize that it is a change of plans; then, they will go to the Zoning Board. They need to agree the plan is different and then they will file for the variance with the Zoning Board. There were two filings: one in August of 2012 showing two lots of 15,000 s.f. each and one in November. The ZBA waived the refile petition and let them file again in November of 2012. At that time they made one lot conforming and one non-conforming. The Zoning Board acted on the second petition, but not the first, but the Gourdoukis' didn't push that. The plan before the Planning Board is that Lot 2 is fully compliant and Lot 1 has now been made compliant as to side yard and rear yard. Lot 1 doesn't have the area, but Lot 2 does. What we now have is a plan that other than area requires a variance from the Zoning Board. He is asking the board to consider that there has been a change in the plan. The Planning Board needs to vote there is a change in the plans. They have agreed to create a vegetated buffer and two no build areas for the abutters in the rear. The dwelling to be built on Lot 2 would be no more than 2500 s.f. and no less than 2,000 s.f. No previous plan showed the size of the house or the buffers.

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Mr. Mazzocca stated that all we are doing tonight is seeking a positive vote which would allow them to go back to the Zoning Board with a different plan. He hopes the abutters understand that. Mr. Macchi agrees. Mr. Forsberg stated the first two hearings showed the lots as non-conforming and this hearing tonight shows one lot is conforming and one will be non-conforming, which he thinks that makes this plan different from before. Mr. Conroy stated it is a different plan as they changed the lot lines. Mr. Murtagh fully endorses what Mr. Mazzocca said. They have the 100' circle and frontage and Mr. Macchi demonstrated a change for the better. Mr. Macchi stated the board votes that and it goes to the ZBA and if they agree, then he will re-file the application with the ZBA. Mr. Conroy asked when the two years are up and Mr. Macchi stated November and February because there were two applications previously. Mr. Conroy stated by the time we are done, you might be able to do it anyway. Mr. Macchi stated the new hearing would probably be in September.

Mr. Nottebart asked for comments from the public present.

Greg St. Cyr, 280 High Plain Street stated that apparently the board is going to vote that there is a finding that there is a change in the plan. Mr. Nottebart stated the Planning Board will not be granting anything. That would be the Zoning Board. Mr. St. Cyr stated he was opposed before. He is upset that tonight is only about a finding. He will be back next time as he was here tonight to oppose this. He asked if he should oppose that this plan is different. Why is he here? He asked if there will be another hearing where he can oppose this and Mr. Macchi stated there will be another hearing just like this one and then there will be a third hearing where Mr. St. Cyr can voice his opposition.

Janis Selett, 257 High Plain Street is an abutter and she is 100% in favor that this is a change from the last time.

Kristin Morrisson, Dupee Street totally supports that this plan is different.

There were no further comments. Mr. Nottebart moved that the Planning Board determine that the plan submitted by Atty. Macchi is a new plan and different from what was previously submitted to the ZBA. Motion seconded by Mr. Murtagh and voted 5-0-0.

10:00 p.m. Olmsted Estates Continued Hearing: Mr. Nottebart stated that an abutter contacted the office and spoke with Margaret Walker and Kate Delaney as there seems to be a discrepancy with the green cards as nineteen were suspect of not being delivered. Town Counsel suggested we send out a letter to the nineteen abutters and we not take testimony tonight. He is not sure that he would suggest going forward tonight. Michael Viano stated he spoke with town counsel yesterday and his counsel today. There is no requirement for return receipt requested notice in the statute. He reviewed the 19 cards and it is clear that the applicant did fulfill their obligation because there are receipts confirming the mailing. What appears to have happened is that a letter carrier perhaps scribbled on those cards and left the notices in the mailboxes. He spoke two one person

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and asked if they got a mailed notice and they said yes. It was in the mailbox and notice was delivered. His counsel feels he should move forward.

Mr. Nottebart stated that is not what Ilana Quirk said. Mr. Viano stated they will send another notice to the 19 people but still wants to go forward tonight. Mr. Nottebart stated he is about transparency and doesn't know how this happened. He would feel more comfortable if Mr. Viano waited and renoticed the 19 abutters. Mr. Murtagh agrees, but the applicant has rights also. Mr. Conroy stated we have already opened the hearing and we have a copy of the white receipts showing they were received at the post office. Some people just don't pick them up. What happens at the post office is not our concern. Mr. Nottebart stated he reviewed the green cards and all were signed, but the signatures do all look alike. Mr. Forsberg stated the risk is on the developer and Mr. Mazzocca agrees. Mr. Conroy stated that anyone who appeals this would have to bring the USPO into this.

John Glossa, Glossa Engineering, stated one of the issues was a 40' layout going to a 46' layout. There would be a 5' sidewalk and a 4' grass strip on the northerly side. Once they get past the end of the 40' section, it transitions into 46'. He will put that on the plan and ask for a waiver to have the cross section be different. It does meet the Planning Board's Rules and Regulations within the 40' layout. They can pretty much leave the grades that are there now and don't have to go on private property. Mr. Viano is working on providing a street name for Road B, which will be ready early next week. He will meet with Ms. Walker to go over her questions. He would however like advice on the easement shown on the Olmsted property. They would like to leave a stub for the Cangiano's and Palaccio's. The Olmsted house is too close to leave a 20' easement. They would like an 18' easement for a short distance of approximately 30'. Mr. Nottebart stated he cannot demand to be told what is going on behind this subdivision, but would like to know. Mr. Viano stated they have to talk with the Planning Board about the 30 acre parcel behind this subdivision. They are moving forward and will probably file an open space subdivision by the end of this month or early next month. They will devise a fully engineered subdivision plan. Mr. Nottebart stated the references he made were discussion only meetings, not about a site plan or a definitive. Mr. Glossa asked if he is tying that question to the waivers? The sewer will be coming from Walden Drive. If someone can meet the Title V requirement, they won't be required to tie into the sewer. Mr. Nottebart read a memo dated June 11, 2014 from the Sewer and Water Commission. He thought they had questions about future developments, but they concurred with the Town Engineer's comments. Mr. Nottebart stated if we don't grant a waiver on the road and the length of the cul-de-sac, there is no project. Mr. Viano stated that is not correct. They have an agreement with the Olmsted's that they can tear down their house and put in a road. Mr. Murtagh stated he would like to see the entire full build out project from start to finish before he entertains a waiver. Is there access to North Street or a fire lane as all that comes into play. We grant the waiver, but we don't know what is really going on. Mr. Viano stated they don't know what is going on back there either. They don't have to build back there ever. Mr. Nottebart stated we would like this to be as open as possible, but he knows we have to deal with what is before us.

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Mr. Viano stated he previously met with the board and showed them a conceptual plan. Mr. Nottebart stated we just want to make sure we do this right. He didn't think we were going forward tonight because of the abutters notice, but you did want to, so we will listen. Mr. Viano stated it is their hope that they would not be required to connect from North Street to Fisher Street, even though they can, they don't want to.

Shawn McInty stated they have been trying to be as transparent as possible. The piece of the property they are talking about doesn't have the same wetland issues that the interior will have. They know they have to file with Conservation. Mr. Nottebart stated we are not doing our job if we don't look into this. Mr. McInty stated they are not holding anything back. Mr. Viano stated they asked to come to us. They are under no obligation to ask for the open space permit. Mr. Nottebart stated you came in and discussed two plans and then filed this one. Mr. Forsberg stated you are saying this is a stand alone project, which was not the way it was presented. Regarding the Fisher Street waiver, are you leaving laterals? Mr. Glossa stated yes for every house. Mr. Viano stated he met with the Medvaskas' last week and they were thrilled to get sewer. He will contact them and ask when they want to hook up. Mr. Glossa stated he will recheck the circles again. Ms. Walker stated she is comfortable with this. Mr. Conroy asked them to bring us something on the 40' roadway and how it was created. Mr. Viano stated it was on the plan that Mr. Glossa submitted. Mr. Glossa stated that the county widened Fisher Street in 1963. Mr. Conroy asked if they would knock down the Olmsted's house if they have to and Mr. Viano stated yes, but he would rather not do that. Mr. Viano stated the fact that he is sewerage 18+ houses would be a public benefit. Mr. Conroy asked if you put that in your waiver request and Mr. Viano stated no it is in his phasing request. Mr. Nottebart stated he is hung up on waiving the 40' roadway.

Paul Cangiano on behalf of his parents, 373 Fisher Street stated he grew up at this address, but now lives in Boston. He met with Michael Viano originally on February 13, 2013 and several times since then. He is not an attorney or a builder. He wants the board to look further down the road. He was one of the abutters that were not informed, but he was informed on February 13th. He sent Michael Viano an email on Sunday before the first meeting regarding the stakes in his parents' yard. He got a follow up the next day. Nobody ever said he will see me at the meeting. He didn't get an abutters' letter. His dad is 90 and his Mom is 80. He checks in the town hall every couple of months. There is a 40' access going into the project, he thought they needed 46'. His parents don't want to give them the 6'. Mr. Viano was supposed to call him to discuss the sewer, but never mentioned the roadway. That property was the access way to a farm. He is not sure what is going on with the other property. When he brought up safety issues, did they bring up the issue of traffic reports and the increase of accidents and traffic? There are accidents there constantly as this is a speedway between McKinley and Tetreault. He is picturing a narrow street and poor visibility, 11 new houses and increased traffic flow. It comes down to him looking at today and tomorrow. He doesn't feel there should be a waiver granted as it is not a hardship. Cars go faster than they should which is one of his concerns.

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Regarding tearing down the house, if that is what it takes, then that's what it takes. Mr. Cangiano stated he has no issues with the development but he does have an issue with making a road that doesn't comply with what it should. The abutters' notice is not Michael Viano's fault. If this wasn't continued previously, he wouldn't be here. The positive aspects of the sewer is great, but you have to look at the street and it should comply with today's standards, not yesterday's standards. He does have a question on the actual property lines. Mr. Viano stated he staked the center line of his land every 50'. Mr. Cangiano asked if all the sewers you are giving in stone and will he be left out. He also asked if there would be a homeowners' association and will the street be public or private. Mr. Viano stated that basically he concurs with Mr. Cangiano's recollection over the last few years. He did send him an email about the sewer and he did ask to meet with Paul and his parents, which was cancelled, but was not for lack of trying. Mr. Viano stated the paved width of the roadway is 26', just like any other roadway which is required by our Rules and Regulations.

Joseph Moraski, Sunnyrock Drive stated when he first reviewed the Olmsted Estates plans, there was a stub off Roadway B. He heard Mr. Forsberg say that stub has been removed and is asking if there are any stubs in Olmsted Estates that would allow future development off this development. Mr. Nottebart stated there doesn't appear to be. Mr. Moraski stated this will now be a stand-alone subdivision and feels the Planning Board should restore the stubs so there are more options available. He is totally against additional phases or future development coming off North Street. Mr. Viano agreed this is a stand-alone development. He doesn't know how they will access the middle property at this time. They may have to come back for a modification to Olmsted Estates. Mr. Moraski stated he would like the Planning Board to ensure that there are stubs for future development. He also doesn't want the traffic coming in off North Street. He feels that would be a poor choice.

There were no further comments. Mr. Viano granted the board an extension of time up to and including September 30, 2014. Mr. Nottebart moved to accept an extension of time up to and including September 30, 2014. Motion seconded by Mr. Murtagh and voted 5-0-0. Mr. Nottebart moved to continue this hearing to September 4, 2014 at 7:30 p.m. Motion seconded by Mr. Murtagh and voted 5-0-0.

Reorganization: Mr. Nottebart read a statement dated June 19, 2014 thanking the board for the opportunity to be chairman for the past year and stating he will not accept or seek the chair position going into the new term. Mr. Mazzocca nominated Mr. Conroy for Chairman. Motion seconded by Mr. Murtagh and voted 5-0-0. Mr. Nottebart nominated Mr. Mazzocca as Vice Chairman. Motion seconded by Mr. Murtagh and voted 5-0-0. Mr. Forsberg nominated Mr. Murtagh as Clerk. Motion seconded by Mr. Conroy and voted 5-0-0.

Consultant/Planner: Mr. Nottebart moved to encumber the \$15,000 in our budget to be used for a consultant/planner. Motion seconded by Mr. Murtagh and voted 5-0-0.

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It was moved seconded and voted to adjourn. The meeting adjourned at 11:20 p.m.

Respectfully submitted,

John Murtagh, Clerk

Accepted September 4, 2014